

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS

December 17, 1980

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m., Wednesday, December 17, 1980 in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - Hughes, McCarty, Murphy,  
Pinkerton, and Katnich  
(Mayor) (arrived 8:05 p.m.)

Absent: Councilmen - None

Also

Present: City Manager Graves, Assistant City Manager  
Glenn, Public Works Director Ronsko,  
Community Development Director Schroeder,  
City Attorney Stein, and City Clerk  
Reimche

INVOCATION

The invocation was given by City Clerk Alice Reimche.

PLEDGE

Mayor Pro Tempore McCarty then led the pledge of  
allegiance to the flag.

PROCLAMATION

A proclamation honoring the 50th Anniversary of  
Veterans of Foreign Wars, Lodi Post No. 1968,  
Lodi, was read by the City Clerk and presented  
to Commander Gordon Thompson by Mayor Pro Tempore  
McCarty.

APPEAL OF  
WILLIAM E.  
RUFF RE  
VARIANCE S.  
HUTCHINS STREET

Following introduction of the matter by Mayor Pro  
Tempore McCarty and Council discussion, Council  
on motion of Mayor Katnich, Murphy second, set  
for Public Hearing at 8:00 p.m. on January 7,  
1981 the appeal of William E. Ruff of the Planning  
Commission's denial of his request for a variance  
to permit the construction of a four-plex at 1324  
S. Hutchins Street, Lodi.

PLANNING  
COMMISSION

City Manager Graves gave the following report of  
the Planning Commission Meeting of December 8, 1980:

The Planning Commission -

EASEMENT  
ABANDONMENT  
100 S. BECKMAN  
ROAD, LODI

1. Recommended approval of the request of the  
property owner to abandon a Public Utility  
Easement on a portion of Lot 5, Lodi Industrial  
Park (100 South Beckman Road).

This matter had previously been set for Public  
Hearing on January 7, 1981.

The Planning Commission also -

1. Approved the request of Steve Weddell, c/o  
Morton and Pitalo, Consulting Engineers,  
on behalf of Willow Oaks Industrial Park for  
a Parcel Map to create three lots north of the  
future extension of East Turner Road in an  
area zoned C-M, Commercial-Light Industrial and  
M-2, Heavy Industrial.

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2. Approved the request of Alma J. Neal for a Use Permit to allow the recycling of metals at 327 South Sacramento Street in an area zoned M-2, Heavy Industrial.
3. Approved the request of William H. Lawson for a Variance to reduce the required distance between a dwelling and a 2-story accessory building from 10 feet to 6 feet to permit an existing storage building-garage to be expanded at 206 South Sunset Drive in an area zoned R-2, Single-Family Residential.
4. Recommended that the San Joaquin County Planning Commission deny the request of Baumbach and Piazza, Consulting Engineers, on behalf of George Ferrero to subdivide an 8.20 acre lot into four parcels with Parcels A and B containing 1.18 acres, and Parcels C and D containing 2.92 acres at the southeast corner of Harney Lane and Shattuck Tract Road, south of Lodi.

COMMUNICATIONS  
(CITY CLERK)

ABC LICENSE

1275

City Clerk Reimche presented an Application for Alcoholic Beverage License received from Billie J. Slaton and Floyd D. Slaton, El Rancho.

NCPA

1316

City Clerk Reimche presented a letter which had been received from D. R. Von Raesfeld, City Manager of the city of Santa Clara regarding Santa Clara's Resolution No. 4316, "A Resolution of the City Council of the City of Santa Clara Authorizing its NCPA Representative to Conditionally Obligate the City of Santa Clara to Make Certain Payments to NCPA During NCPA's Fiscal Year 1980-81".

CHEROKEE LANE  
MEDIAN CUT  
REQUEST BY  
RICHARD E.  
SANBORN

1340

1350

The City Clerk presented a letter from Richard E. Sanborn, President, Sanborn Chevrolet, Inc., 1210 S. Cherokee Lane, Lodi, which read in part as follows:

After explaining the need for the median opening, the Council gave me approval on the request with the condition that I present the Council with a firm proposal in writing of what costs I would assume.

I am enclosing a map of the median opening, showing its location and the businesses it will serve. Also enclosed is an estimate of the cost prepared by Baumbach and Piazza, Civil Engineers, on June 3, 1980.

In approximately thirty days, we will close escrow with Golden Corral Restaurant. In our Sales Contract is the agreement that all costs to install the median opening will be shared by Richard Sanborn, Dennis Plummer, (present owners of the lot to be developed) and Alfred K. White, (purchaser and developer of lot for Golden Restaurants Corp.)

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At the time of my request in 1977, I was heading a committee to form a street lighting district for Cherokee Lane. I was hoping at the time, that we would have enough footage committing to form a district if I agreed to help Lodi SDA Academy pay their fair share. As you are aware, we were unable to form the district for the lack of commitment of disinterested owners.

This letter is my formal application to proceed with the median opening and statement that we will be responsible for all costs to do so. All engineering will be done through Baumbach and Piazza and will meet City Codes.

The matter was taken under advisement by the Council and will be placed on the agenda for the next Council meeting.

INITIATIVE  
ORDINANCE  
MEASURE "B"  
PRESENTED

Mr. Jim Ohlhauser, 1200 W. Tokay Street, Lodi, presented to the City Council the following "Initiative Ordinance Measure "B":

INITIATIVE ORDINANCE  
MEASURE "B"

The Citizens Initiative for Orderly Growth.

The people of the City of Lodi, hereby find and declare that it is the best interest of the City of Lodi, to provide for orderly and controlled growth. We propose the following ordinance be presented to the voters of Lodi:

- A. All land now outside of the land use element of the General Plan, at the time of the adoption of this ordinance shall not be included in the land use element of the General Plan without being first approved by a majority of the people voting in a general election.
- B. Water, sewer, and electrical services shall not be expanded or extended beyond the capacities set by the capital improvement program as annually adopted by the City Council.
- C. The City Council, prior to the general election shall set public hearings to review - 1. The ability of the City of Lodi to provide water, sewer, and electrical service.  
2. The ability of the City of Lodi to provide police and fire protection.  
3. The ability of the Lodi Unified School District to provide facilities for the additional students that might be generated by the land addition.

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- D. This ordinance may be amended or repealed by majority of voters voting at a general election.
- E. If any section of this ordinance is held to be unconstitutional, invalid, or void, the remainder of this ordinance and application thereof shall not be affected.

Council discussion followed with questions being directed to Mr. Ohlhauser. No action was taken by the City Council on the matter.

COMMENTS BY  
CITY  
COUNCILMEN

GROWTH  
INFORMATION  
GATHERED BY  
COUNCILMAN  
MURPHY

Councilman Murphy reported that he has been gathering pertinent information regarding the City's growth and on growth control, and that he will be presenting his findings to the Council in January.

TRANSIT  
SYSTEM

Councilman Pinkerton reported that the transit system that Mr. James John had favorably commented about at a recent Council meeting had gone bankrupt.

Mayor Katnich arrived (8:05 p.m.)

REPORTS OF  
THE CITY  
MANAGER  
  
CONSENT  
CALENDAR

In accordance with reports and recommendation of the City Manager, the following actions hereby set forth between asterisks, on motion of Councilman Pinkerton, Murphy second, were approved by the City Council.

Mayor Pro Tempore McCarty asked that Agenda item "f" - "Approve Specifications for City's legal advertising" be removed from the Consent Calendar as he would have to abstain from discussion and voting on the item, because of a possible conflict of interest.

\* \* \* \* \*

CLAIMS

CLAIMS WERE APPROVED IN THE AMOUNT OF \$463,952.38.

MINUTES

THE FOLLOWING MINUTES WERE APPROVED AS WRITTEN:

- A) Minutes of November 19, 1980 - Public Hearing
- B) Minutes of November 19, 1980 - Regular Meeting

ACCEPTANCE OF E.  
LODI AVENUE  
STREET  
IMPROVEMENTS

The contract for "East Lodi Avenue Street Improvements which had been awarded to Claude C. Wood Co. of Lodi on September 17, 1980 in the amount of \$197,221.50 has been completed in substantial conformance with the plans and specifications approved by the City Council. The final contract price was \$211,729.81. The difference between the contract amount and the final contract

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price is due to the uncovering of an old well and an area of unsuitable base (buried concrete), which had to be taken care of with negotiated prices. There was also a small overrun in asphaltic concrete and rock base which were paid for under the contract items. Approximately \$117,000 is being paid for by property owners fronting E. Lodi Avenue (Holz Rubber, Griffin, Lodi Metal Tech and Foster-Wickes Corporation) in fulfilling their responsibility of construction of 1/2 of the street along their frontage.

COUNCIL ACCEPTED THE IMPROVEMENTS IN "EAST LODI AVENUE STREET IMPROVEMENTS, KELLY TO 680' E/o CLUFF" AND DIRECTED THE PUBLIC WORKS DIRECTOR TO FILE A NOTICE OF COMPLETION WITH THE COUNTY RECORDER'S OFFICE.

ACCEPTANCE 1700  
S. CHEROKEE LANE  
(LODI HONDA)

RES. NO. 80-178

Council was apprised that the improvements at 1700 S. Cherokee Lane (Lodi Honda) had been completed in substantial conformance with the requirements of the Development dated July 16, 1980 and as shown on the improvement plans.

On recommendation of the City Manager, Council adopted the following resolution:

RESOLUTION NO. 80-178

RESOLUTION ACCEPTING THE DEVELOPMENT IMPROVEMENTS AND STREETS INCLUDED AT 1700 S. CHEROKEE LANE

RES.  
AUTHORIZING  
DESTRUCTION  
OF OBSOLETE  
RECORDS  
CITY CLERK'S  
OFFICE

Council was informed that pursuant to State of California Government Code Section 34090, the City Clerk had prepared a list of certain records to be destroyed. The inventory had been reviewed and approved for destruction by the City Attorney.

RESOLUTION NO. 80-174

RES. NO. 80-174

RESOLUTION AUTHORIZING DESTRUCTION OF OBSOLETE RECORDS - CITY CLERK'S OFFICE

RES. AWARDED  
CONTRACT FOR  
SIX 1200 KVAR  
THREE-PHASE  
POLE MOUNTED  
FIXED CAPACITOR  
BANKS

Council was informed that the following bids had been received for six 1200 KVAR three-phase pole-mounted fixed capacitor banks:

THREE-PHASE POLE-MOUNTED CAPACITOR  
BANKS

UD-E80-9

RES. NO. 80-175

Supplier - McGraw Edison

Cost Incl. Tax	\$16,536.00
Delivery (Weeks)	14 - 16

Supplier - General Electric Supply Co.

Cost Incl. Tax	\$17,432.76
Delivery (Weeks)	10 - 12

Supplier - Westinghouse Electric Supply Co.

Cost Incl. Tax	\$18,507.60
Delivery (Weeks)	11 - 13

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Supplier - Sangamo Weston

Cost Incl. Tax	\$25,605.36
Delivery (Weeks)	24

Supplier - Westinghouse Electric Supply Co.

Cost Incl. Tax	\$16,281.60
Delivery (Weeks)	11 - 13
Remarks	Does not meet City specifications

On recommendation of City Manager Graves, Council adopted the following resolution:

RESOLUTION NO. 80-175

RESOLUTION AWARDING THE CONTRACT FOR THE PURCHASE OF SIX 1200 KVAR THREE PHASE POLE-MOUNTED FIXED CAPACITOR BANKS TO MCGRAW EDISON IN THE AMOUNT OF \$16,536.00.

AWARD - 1500  
G.P.M. TRIPLE  
COMBINATION  
PUMPER

Council was advised that only one bid had been received for a 1500 G.P.M. Triple Combination Pumper for the Fire Department as follows:

P.E. Van Pelt, Inc.	\$131,073.24
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RES. NO. 80-176

City Manager Graves stated that he felt this bid was a reasonable one and that he recommended that the award be made.

RESOLUTION NO. 80-176

RESOLUTION AWARDING THE CONTRACT FOR ONE 1500 G.P.M. TRIPLE COMBINATION PUMPER TO P.E. VAN PELT, INC., IN THE AMOUNT OF \$131,073.24 AND APPROVING A SPECIAL ALLOCATION IN THE AMOUNT OF \$6,073.24 COVERING THE DIFFERENCE BETWEEN THE AMOUNT THAT HAD BEEN BUDGETED TO THIS PIECE OF EQUIPMENT AND THE AMOUNT OF THE BID.

SALARY INCREASES  
FIRE UNIT AND  
MAINTENANCE AND  
OPERATORS UNIT

Council was informed that Memoranda of Understanding with the Firefighters and the Maintenance and Operators Unit call for salary increases to become effective before the next Council Meeting on January 7, 1981. The Memorandum of Understanding with the Fire Unit calls for a 4.5% salary increase effective the pay period beginning December 22, 1980.

RES. NO. 80-177

Another Memorandum of Understanding with the Maintenance and Operators Unit calls for a 3.5% salary increase, plus one-half of any increase over 4.5% increase in the Consumer Price Index for the past six months. The Consumer Price Index increase was 4.0%, therefore, the negotiated increase is 3.5%. The increase is effective the pay period beginning January 5, 1981.

On recommendation of the City Manager, Council adopted the following resolution:

RESOLUTION NO. 80-177

RESOLUTION APPROVING SALARY INCREASES FOR FIRE UNIT AND MAINTENANCE AND OPERATORS UNIT AS PREVIOUSLY APPROVED IN THE MEMORANDA OF UNDERSTANDING AS HERETOFORE OUTLINED.

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SPECS FOR  
LEGAL ADVERTISING  
APPROVED

Mayor Pro Tempore McCarty asked to abstain from discussion and voting on the following matter because of a possible conflict of interest.

City Clerk Reimche apprised the City Council that State of California Government Code Section 6060 provides that "Whenever any law provides that publication of notice shall be made pursuant to a designation of this article, such notice shall be published in a newspaper of general circulation for the period prescribed, the number of times, and in the manner provided in that Section".

On November 12, 1980, Lodi Life and Times was adjudged to be a newspaper of general circulation as defined in the Government Code of the State of California. Mr. Stephen Mann, Lodi Life and Times has requested the use of his newspaper for legal publications of the City of Lodi.

A set of specifications has been prepared for the contract for the City's official advertising. The City Clerk met with representatives of both newspapers during the preparation of these specifications to ensure their adequacy.

Because of legal time restraints, the specifications provide that the City of Lodi reserves the right to send legal publication/official advertising to any newspaper of general circulation within the City of Lodi in order to meet publication deadlines.

On motion of Councilman Pinkerton, Murphy second, Council approved specifications for official advertising for the City of Lodi and authorized the City Clerk to advertise for bids thereon. The motion carried by the following vote:

Ayes: Councilmen - Hughes, Murphy, Pinkerton, and Katnich

Noes: Councilmen - None

Absent: Councilmen - None

Abstain: Councilmen - McCarty

MEMBER SERVICE  
AGREEMENT  
NCPA  
CONSIDERATION  
CONTINUED

Following introduction of agenda item "k" - "Approve proposed Member Service Agreement - NCPA", on motion of Councilman Murphy, McCarty second, the matter was continued to the regular Council Meeting of January 7, 1981.

PROPOSED SALE OF  
MSC SURPLUS  
PROPERTY

City Manager Graves introduced agenda item "l" - "Clarification on Proposition 4 re MSC site".

Following a request from the City Council for clarification, City Attorney Stein advised the Council that he had contacted Betsy Strauss, Staff Attorney of the League of California Cities and asked whether the proceeds from the sale of surplus property (the MSC site) would be considered "proceeds from taxes".

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Her answer was in the negative. It is her understanding that both the Legislative Counsel and the authors of Proposition 4 agree with her interpretation that the proceeds from the sale of surplus property would not be considered the proceeds from taxes.

In speaking with Ms. Strauss regarding this matter, Mr. Stein indicated the analysis was that even if the property was purchased with proceeds of taxes, the sale of the property and the monies received from same can only secondarily be considered proceeds from taxes and that, therefore, they would not be considered proceeds from taxes under Proposition 4.

A very lengthy discussion followed regarding the proposed sale of property at the Municipal Service Center Site.

Staff urged that this property not be sold in that the long range plans for the City necessitated the retention of all land at the site.

It was pointed out that Staff had received inquiries from approximately 5 persons or businesses interested in purchasing the property.

Additional discussion followed with many questions being directed to Staff regarding the matter.

Following the appointment by Mayor Katnich of Mayor Pro Tempore McCarty and Councilman Hughes to a Committee to meet with the City Attorney regarding this property, Council, on motion of Mayor Pro Tempore McCarty, Murphy second, voted to advertise for bids for the sale of this property and that upon receipt of the bids with the recommendations of the aforementioned Committee, that a final decision be made by the Council.

The motion carried by the following vote:

Ayes: Councilmen - McCarty, Murphy, and  
Pinkerton

Noes: Councilmen - Hughes and Katnich

Absent: Councilmen - None

CLUFF AVENUE  
STORM DRAIN

Following introduction of the matter of Public Works Director Ronsko, Council on motion of Councilman Murphy, McCarty second, approved the plans and specifications for "Cluff Avenue Storm Drain, Phase I, Mokelumne River to 100' South of River" and authorized the City Clerk to advertise for bids thereon. Staff was then directed to proceed with drawing up the plans and specifications for the Phase II segment i.e., the storm drain in Turner Road - East and West of Cluff Avenue.

LEASE AGREEMENT  
RE CITY-OWNED  
13 ACRE PARCEL  
ADJACENT TO  
LODI LAKE PARK

City Manager Graves reported that Phillips Farms had given written notice pursuant to the terms of the contract to terminate its lease agreement with the City for the City-owned 13 acre parcel adjacent to Lodi Lake Park. The City Manager outlined the difficulties that Phillips Farms has encountered in leasing this land and asked



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for Council approval to seek out persons interested in leasing this property.

On motion of Councilman Pinkerton, Murphy second, Council authorized the City Manager to seek out persons who would be interested in leasing the City-owned 13 acre parcel adjacent to Lodi Lake Park.

RENEWAL OF  
AGREEMENT WITH  
LODI LIONS  
BASEBALL CLUB

A proposed Lease and Concession Agreement between the City of Lodi and the Lodi Lions Baseball Club, Inc., DBA Lodi Dodgers, for 1981 was presented for Council's approval.

Following Council discussion with questions being directed to Staff, Council, on motion of Councilman Hughes, Pinkerton second, approved the Lease and Concession Agreement between the City and the Lodi Lions Baseball Club, Inc., for a term of one year, commencing January 1, 1981 and authorized the City Manager and City Clerk to execute the Agreement on behalf of the City.

APPOINTMENTS MADE  
TO RECREATION  
COMMISSION

On motion of Councilman Pinkerton, McCarty second, Council concurred with Mayor Katnich's reappointment of Elvera Melby and David Hinchman to four year terms commencing January 1, 1981 to the Recreation Commission.

ORDINANCES

GENERAL PLAN  
AMENDMENT  
REDESIGNATING  
CERTAIN BLOCKS  
AND LOTS  
ADJACENT TO  
THE CENTRAL  
BUSINESS DISTRICT  
AS OFFICE-  
INSTITUTIONAL

Ordinance No. 1216 - entitled, "An Ordinance amending the General Plan-Land Use Element (i.e. GP-LU-80-3) by redesignating certain blocks and lots adjacent to the Central Business District as Office-Institutional having been introduced at a regular adjourned meeting of the City Council held December 10, 1980 was brought up for passage on motion of Mayor Pro Tempore McCarty, Katnich second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted, and ordered to print by the following vote:

ORD. NO. 1216  
ADOPTED

Ayes: Councilmen - Hughes, McCarty, Murphy,  
Pinkerton and Katnich

Noes: Councilmen - None

Absent: Councilmen - None

ORD. REZONING  
CERTAIN BLOCKS  
AND LOTS  
ADJACENT TO  
THE CENTRAL  
BUSINESS  
DISTRICT  
FROM R-HD TO  
R-C-P

Ordinance No. 1217, entitled, "An Ordinance rezoning certain blocks and lots adjacent to the Central Business District from R-HD, High Density Multiple Family Residential to R-C-P, Residential-Commercial-Professional" having been introduced at a regular adjourned meeting of the City Council held December 10, 1980 was brought up for passage on motion of Councilman Murphy, McCarty second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted, and ordered to print by the following vote:

ORD. NO. 1217  
ADOPTED

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Ayes: Councilmen - Hughes, McCarty, Murphy,  
Pinkerton and Katnich

Noes: Councilmen - None

Absent: Councilmen - None

EXECUTIVE  
SESSION

Mayor Katnich wished all the citizens of Lodi  
a very Merry Christmas and Happy New Year

ADJOURNMENT

Mayor Katnich adjourned the meeting to an Executive  
Session of the Council at approximately 9:30  
p.m. Mayor Katnich indicated that a matter con-  
cerning possible litigation would be discussed  
at the Executive Session and that the Council  
would not convene following adjournment of the  
Executive Session.

ATTEST:

*Alice M. Reimche*  
ALICE M. REIMCHE  
City Clerk